UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
3624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/460,045	NESMITH ET AL.
	Examiner	Art Unit	
	Ella Colbert	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 December 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>81-153</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>81-153</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 81-153 are pending. Claims 81, 90, 95, 105, 115, 130, 139, and 144

have been amended in this communication filed 12/28/04 entered as Non-Final

Rejection.

2.   The 35 USC 112 second paragraph rejection for claim 90 still remains as set

forth here below.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 90 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.   It is unclear whether Applicants' have an order placement

window and an order preferences window.   Do Applicants' have two separate windows

or is there one window for placing the order and for the order preferences? Suggestion

in order to clarify the claim language of this claim limitation: presenting an order

placement window to the user: ...; presenting order preferences received from the user

in a separate order preferences window as default values, ..., then the order

preferences presented in the order preferences window comprise at least one generic

order preference". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 81-153 are rejected under 35 U.S.C. 103(a) as being unpatentable over

(US 6,505,174) Keiser et al, hereafter Keiser in view of (US 5,297,031) Gutterman et al,

hereafter Gutterman.

With respect to claim 81, Keiser teaches, A method for allowing relatively rapid

entry of securities orders into a computer system, the method comprising: receiving

input comprising at least one generic security order preference (col. 2, lines 57-60); and

storing at least one generic security order preference in a memory (col. 8, lines 25-34

and col. 9, lines 14-20). Keiser failed to teach, automatically using at least one stored

generic security order preference as a default value in response to a user placing an

order for at least one security for which a security-specific order preference has not

been defined. Gutterman teaches, automatically using at least one stored generic

security order preference as a default value in response to a user placing an order for at

least one security for which a security-specific order preference has not been defined

(col. 4, lines 32-53). It would have been obvious to one having ordinary skill in the art at

the time the invention was made to automatically use at least one generic security order

preference as a default value in response to a user placing an order for at least one

security for which a security-specific order preference has not been defined and to

modify in Keiser because such a modification would allow Keiser to have a specialist

who deals in a particular stock and who maintains a running list or "book" of offers to

sell and orders to purchase the stock and a computer system that is set to a particular default setting for a security order.

With respect to claim 82, Keiser teaches, The method of claim 81, wherein receiving input comprising at least one generic security order preference comprises presenting a generic security order preferences window to the user, wherein the generic security order preferences window comprises one or more user interface elements that allow the user to specify at least one generic security order preference for securities for which a security-specific order preference has not been defined (col. 2, lines 60-67 and col. 3, lines 1-7).

With respect 83, Keiser teaches, The method of claim 81, wherein at least one generic security order preference comprises a number of shares to be used as a default if no security-specific default number of shares is defined for a security (col. 5, lines 20-31).

With respect to claim 84, Keiser teaches, The method of claim 81, wherein at least one generic security order preference comprises a dollar amount of a transaction to be used as a default if no security-specific default dollar amount is defined for a security (col. 5, lines 31-40).

With respect to claim 105, Keiser teaches, A system comprising: at least one computer system coupled to a network (col. 8, lines 13-17); at least one memory couple to the computer system; wherein at least one memory comprises program instructions (col. 8, lines 25-29), wherein the program instructions are executable by at least one computer system (col. 8, lines 35-44).

This independent claim is rejected for the similar rationale as given above for claim 81.

With respect to claim 85, Keiser failed to teach, The method claim 81, wherein at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security. Gutterman teaches, wherein at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security (col. 3, lines 32-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security and to modify in Keiser because such modification would allow Keiser to have a price limitation that is specified by the customer that can be executed only at the price specified or at a better price level.

With respect to claim 86, Keiser failed to teach, The method of claim 81, wherein at least one generic security order preference` comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security. Gutterman teaches, wherein at least one generic security order preference` comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security (col. 4, lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference` comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security and to modify in

Keiser because such a modification would allow Keiser to raise the stop price as the

market price advances in an effort to gain as much as possible from a major move while

making certain that they probably lose back only a little of the gain.

With respect to claim 87, Keiser failed to teach, The method of claim 81, wherein

at least one generic security order preference comprises a stop loss price to be used as

a default if no security-specific default stop loss price is defined for a security.

Gutterman teaches, The method of claim 81, wherein at least one generic security order

preference comprises a stop loss price to be used as a default if no security-specific

default stop loss price is defined for a security (col. 4, lines 1-5). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

have at least one generic security order preference comprises a stop loss price to be

used as a default if no security-specific default stop loss price is defined for a security

and to modify in Keiser because such a modification would allow Keiser to raise the

stop price as the market price advances in an effort to gain as much as possible from a

major move while making certain that they probably lose back only a little of the gain.

With respect to claim 88, Keiser failed to teach, The method of claim 81, wherein

at least one generic security order preference comprises a lot indicator to be used as a

default if no security-specific default lot indicator is defined for a security. Gutterman

teaches, The method of claim 81, wherein at least one generic security order preference

comprises a lot indicator to be used as a default if no security-specific default lot

indicator is defined for a security (col. 4, lines 21-65).). It would have been obvious to

one having ordinary skill in the art at the time the invention was made to have at least

one generic security order preference comprises a lot indicator to be used as a default if

no security-specific default lot indicator is defined for a security and to modify in Keiser

because such a modification would allow Keiser to raise the stop price as the market

price advances in an effort to gain as much as possible from a major move while

making certain that they probably lose back only a little of the gain.

With respect to claim 89, Keiser failed to teach, The method of claim 81, wherein

at least one generic security order preference comprises a limit price indicator to be

used as a default if no security-specific default limit price indicator is defined for a

security. Gutterman teaches, wherein at least one generic security order preference

comprises a limit price to be used as a default if no security-specific default limit price is

defined for a security (col. 3, lines 32-67). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to have at least one generic

security order preference comprises a limit price to be used as a default if no security-

specific default limit price is defined for a security and to modify in Keiser because such

modification would allow Keiser to have a price limitation that is specified by the

customer that can be executed only at the price specified or at a better price level.

With respect to claim 90, Keiser teaches, The method of claim 81, further

comprising: presenting an order placement window to the user (col. 2, lines 39-44);

prompting the user to enter a security symbol of a security to be traded (col. 2, lines 57-

67); presenting order preferences received from the user in the order preferences

window as default values, wherein if no security-specific order preferences have been

received from the user for the security to be traded, then order preferences presented

comprise at least one generic order preference (col. 3, lines 1-7).

With respect to claim 91, Keiser teaches, The method of claim 90, further

comprising receiving input from the user modifying at least one of the default values to a

desired value (col. 4, line 52 –col. 4, line 32).

With respect to claim 92, Keiser teaches, The method of claim 90, further

comprising submitting an order for execution based on information in the order

placement window (col. 3, lines 1-7).

With respect to claim 93, Keiser failed to teach, The method of claim 90, further

comprising sending an acknowledgement to the user upon execution of the order.

Gutterman teaches, sending an acknowledgement to the user upon execution of the

order (col. 13, lines 33-43).   It would have been obvious to one having ordinary skill in

the art at the time the invention was made to send an acknowledgement to the user

upon execution of the order and to modify in Keiser because such a modification would

allow Keiser to communicate the filled order information to the customer via the

electronic order entry system.

With respect to claim 94, Keiser teaches, The method of claim 81, wherein

receiving input comprising at least one generic security order preference comprises

providing a web page to the user, wherein the web page comprises controls that allow

the user to enter at least one generic security order preference (col. 2, lines 39-44 and

col. 3, lines 8-24).

With respect to claim 95, this dependent claim is rejected for the similar rationale as above for claim 81.

With respect to claim 96, Keiser teaches, The method of claim 95, wherein receiving input comprising at least one security-specific order preference for at least one security comprises presenting a security-specific order preferences window to the user, wherein the security-specific order preferences window comprises one or more user interface elements that allow the user to specify at least one security-specific order preference for at least one security (col. 2, lines 57-67).

With respect to claim 97, this dependent claim is rejected for the similar rationale as given above for claim 84.

With respect to claim 98, Keiser teaches, The method of claim 95, wherein at least one security-specific order preference for at least one security comprises a default dollar amount of at least one security to be traded during a transaction (col. 5, lines 20-40 and col. 12, lines 8-13..

With respect to claim 99, this dependent claim is rejected for the similar rationale as given above for claim 85.

With respect to claim 100, this dependent claim is rejected for the similar rationale as given above for claim 86.

With respect to101, this dependent claim is rejected for the similar rationale as given above for claim 87.

With respect to claim 102, this dependent claim is rejected for the similar rationale as give above for claim 88.

With respect to claim 103, this dependent claim is rejected for the similar rationale as given above for claim 89.

With respect to claim 104, Keiser failed to teach, The method of claim 95, further comprising: presenting an order placement window to the user, wherein the order placement window comprises one or more user interface elements that allow the user to override one or more of the security-specific order preferences. Gutterman teaches, presenting an order placement window to the user, wherein the order placement window comprises one or more user interface elements that allow the user to override one or more of the security-specific order preferences (col. 7, lines 15-36, col. 9, lines 43-68, col. 10, line 14- col. 11, line 23, and figures 2a –2d). It would have been obvious to one having ordinary skill in the art at the time the invention was made to present an order placement window to the user, wherein the order placement window comprises one or more user interface elements that allow the user to override one or more of the security-specific order preferences and to modify in Gutterman because such a modification would allow Gutterman to have a high-resolution, color, touch-sensitive display screen for presenting the order to a user and to move rapidly and easily among the applications.

This dependent claim is rejected for the similar rationale as given above for claim 90.

With respect to claim 106, this dependent claim is rejected for the similar rationale as given above for claim 82.

With respect to claim 107, this dependent claim is rejected for the similar rationale as given above for claim 83.

With respect to claim 108, this dependent claim is rejected for the similar rationale as given above for claim 84.

With respect to claim 109, this dependent claim is rejected for the similar rationale as given above for claim 85.

With respect to claim 110, this dependent claim is rejected for the similar rationale as given above for claim 86.

With respect to claim 111, this dependent claim is rejected for the similar rationale as given above for claim 87.

With respect to claim 112, this dependent claim is rejected for the similar rationale as given above for claim 88.

With respect to claim 113, this dependent claim is rejected for the similar rationale as given above for claim 89.

With respect to claim 114, Keiser teaches, The system of claim 105, wherein the computer network comprises the Internet (col. 8, lines 15-24).

With respect to claim 115, this dependent claim is rejected for the similar rationale as given above for claim 90.

With respect to claim 116, this dependent claim is rejected for the similar rationale as given above for claim 91.

With respect to claim 117, this dependent claim is rejected for the similar rationale as given above for claim 92.

With respect to claim 118, this dependent claim is rejected for the similar rationale as given above for claim 93.

With respect to claim 119, this dependent claim is rejected for the similar rationale as given above for claim 94.

With respect to claim 120, this dependent claim is rejected for the similar rationale as given above for claim 95.

With respect to claim 121, this dependent claim is rejected for the similar rationale as given above for claim 96.

With respect to claim 122, this dependent claim is rejected for the similar rationale as given above for claim 97.

With respect to claim 123, this dependent claim is rejected for the similar rationale as given above for claim 98.

With respect to claim 124, this dependent claim is rejected for the similar rationale as given above for claim 99.

With respect to claim 125, this dependent claim is rejected for the similar rationale as given above for claim 100.

With respect to claim 126, this dependent claim is rejected for the similar rationale as given above for claim 101.

With respect to claim 127, this dependent claim is rejected for the similar rationale as given above for claim 102.

With respect to claim 128, this dependent claim is rejected for the similar rationale as given above for claim 103.

With respect to claim 129, The system of claim 120, wherein the program instructions are further executable present an order placement window to the user, wherein the order placement window comprises one or more user interface elements that allow the user to override one or more of the security-specific order preferences.

With respect to claim 130, Keiser further teaches, a carrier medium to perform the steps of this independent claim and the dependent claims 131-133 in col. 8, lines 29-34. This independent claim is rejected for the similar rationale as given above for claim 81.

With respect to claim 131, this dependent claim is rejected for the similar rationale as given above for claim 82.

With respect to claim 132, this dependent claim is rejected for the similar rationale as given above for claim 83.

With respect to claim 133, this dependent claim is rejected for the similar rationale as given above for claim 84.

With respect to claim 134, this dependent claim is rejected for the similar rationale as given above for claims 85 and 109.

With respect to claim 135, this dependent claim is rejected for the similar rationale as given above for claims 86 and 110.

With respect to claim 136, this dependent claim is rejected for the similar rationale as given above for claims 87 and 111.

With respect to claim 137, this dependent claim is rejected for the similar rationale as given above for claims 88 and 112.

With respect to claim 138, this dependent claim is rejected for the similar rationale as given above for claims 89 and 113.

With respect to claim 139, this dependent claim is rejected for the similar rationale as given above for claims 90 and 115.

With respect to claim 140, this dependent claim is rejected for the similar rationale as given above for claims 91 and 116.

With respect to claim 141, this dependent claim is rejected for the similar rationale as given above for claims 92 and 117.

With respect to claim 142, this dependent claim is rejected for the similar rationale as given above for claims 93 and 118.

With respect to claim 143, this dependent claim is rejected for the similar rationale as given above for claims 94 and 119.

With respect to claim 144, this dependent claim is rejected for the similar rationale as given above for claims 95 and 120.

With respect to claim 145, this dependent claim is rejected for the similar rationale as given above for claims 96 and 121.

With respect to claim 146, this dependent claim is rejected for the similar rationale as given above for claims 84, 97 and 122.

With respect to claim 147, this dependent claim is rejected for the similar rationale as given above for claims 98 and 123.

With respect to claim 148, this dependent claim is rejected for the similar rationale as given above for claims 85, 99 and 124.

With respect to claim 149, this dependent claim is rejected for the similar rationale as given above for claims 86, 100 and 125.

With respect to claim 150, this dependent claim is rejected for the similar rationale as given above for claims 87, 101 and 126.

With respect to claim 151, this dependent claim is rejected for the similar rationale as given above for claims 88, 102 and 127.

With respect to claim 152, this dependent claim is rejected for the similar rationale as given above for claims 89, 103 and 128.

With respect to claim 153, this dependent claim is rejected for the similar rationale as given above for claims 90, 104 and 129.

Response to Arguments

7.   Applicants' arguments filed 12/28/04 have been fully considered but they are not persuasive.

Issue no. 1: Applicants' argue: In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obvious and to establish a *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art has been considered but is not persuasive. Response: See MPEP 2144 entitled "Sources of Rationale Supporting a Rejection Under 35 U.S.C. 103: RATIONALE MAY BE IN A REFERENCE, OR REASONED FROM COMMON KNOWLEDGE IN THE ART, SCIENTIFIC PRINCIPLES, ART – RECOGNIZED EQUIVALENTS, OR LEGAL PRECEDENT." Further, the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied

reference/references. In other words, the person having ordinary skill in the art has a

level of knowledge apart from the content of the references. *In re Bode*, 550 F.2d 656,

660, 193 USPQ 12, 16 (CCPA 1977); *In re Jacoby*, 309 F.2d 513, 516, 135 USPQ 317,

319 (CCPA 1962). A conclusion of obviousness is established "from common

knowledge and common sense of the person of ordinary skill in the art without any

specific hint or suggestion in a particular reference." *In re Bozek*, 416 F.2d 1385, 1390,

163 USPQ 545, 549 (CCPA 1969).

Issue no. 2: Applicants' argue: Applicant submits that Keiser fails to teach or

suggest the feature of storing at least one generic security order preference in a

memory has been considered but is not persuasive. Response: It is interpreted that

Keiser teaches the storing of at least one generic security order preference in a memory

in col. 8, lines 25-34 and col. 9, lines 14-20 in view of Keiser's teaching of a memory for

storing and security order preferences.

Issue no. 3: Applicants' argue: Applicant respectfully disagrees that it would have

been obvious to one having ordinary skill in the art at the time the invention was made

to combine the teachings of Gutterman with the teachings of Keiser to arrive at the

combination of features recited in claim 81 has been considered but is not persuasive.

Response: In response to applicant's argument that there is no suggestion to combine

the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is interpreted

that Keiser teaches receiving at least one input comprising a generic security order

preference in col. 2, lines 57-60 and col. 9, lines 14-20 and Gutterman teaches using at

least one generic security order preference as a default value in response to a user

placing an order for at least one security for which a security-specific order preference

has no been defined in col. 4, lines 32-53.

Issue no. 4: Applicants' argue: Applicant respectfully disagrees with the rejection

of claim 82 including the features of receiving input comprising at least one generic

security order preference comprises presenting a generic security order preferences

window to the user, wherein the generic security order preferences window comprises

one or more user interface elements that allow the user to specify at least one generic

security order preference for securities for which a security-specific order preference

has not been defined in combination with the features of claim 81 and Applicant

respectfully submits that the cited references do not teach the features in claim 81 in

combination with the features of claim 81 and Applicant respectfully requests the

removal of the rejection of claim 82 has been considered but is not persuasive.

Response: The Examiner's action on page 4 rejected claim 82 separately from claim 81

citing "col. 2, lines 60-67 and col. 3, lines 1-7". These columns and line numbers are

different than those used to reject claim 81.

Issue no. 5: Applicants' argue: Applicant respectfully submits that the cited art

does not teach or suggest the features in claims 83-90, 94, 95, and 99-129 in

combination with the features of claim 81, the cited art does not teach or suggest the

features in claims 91-93 in combination with the features of claim 90 and the cited art

does not teach or suggest the features in claims 96 and 98, in combination with the

features of claim 95 has been considered but is not persuasive. Response: It is

interpreted that Keiser teaches receiving input comprising at least one generic security

order preference, storing the generic order preference in a memory, presenting a

generic security order preferences window to a user, the security order preferences

window comprising one or more user interface elements that allow a user to specify the

generic security order preference for securities for which a security-specific order

preference has not been defined, the generic security order preference comprising a

number of shares to be used as a default if no security-specific default number of

shares is defined for a security, a preference dollar amount of the transaction to be used

as a default if not security-specific default dollar amount is defined for a security, a

network, a memory, a computer system, and program instructions executable by a

computer system and Gutterman teaches, automatically using a generic security order

preference as a default value in response to a user placing an order for the security for

which a security-specific order preference has been defined, a limit price to be used as

a default, a trailing stop price to be used as a default, sending an acknowledgement to

the user upon execution of the order, and a web page allowing a user to enter a generic

security order preference. Together Keiser and Gutterman teach the claim limitations of

Applicants' invention as far as the Examiner can tell for the claim language and the

breadth of claims 82, 96, 121, 131, and 145.

Conclusion: The Examiner is entitled to give limitations their broadest reasonable

interpretation in light of the Specification (see below):

2111   Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

*During patent examination, the pending claims must be "given the broadest reasonable
interpretation consistent with the specification." Applicant always has the opportunity to amend the claims
during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once
issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA
1969).<*

Applicants' are respectfully requested to point out to the Examiner in the claim

language the inventive concept of the invention and to particularly out and to distinctly

claim that which Applicants' consider to be the inventive concept.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Inquires

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ella Colbert whose telephone number is 703-308-7064.

The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/E. Colbert/
April 2, 2005